

Cors & Bassett
ATTORNEYS AT LAW

September 27, 2000



VIA FACSIMILE AND REGULAR MAIL

Craig Melodia, Esq.
Assistant Regional Counsel
U.S. EPA, Region V
Office of Regional Counsel (C-14J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Skinner Landfill Site

Dear Mr. Melodia:

As you are aware, I represent Clarke Incinerators, Inc. and Clarke Container, Inc. in regard to the above-referenced site. As I am sure you are also aware, I spoke at length with Dernaye Houston of the U.S. Department of Justice ("DOJ") last week regarding the Fourth Tolling Agreement. She and I had discussed the possibility of my clients signing the Tolling Agreement, followed by a meeting with U.S. EPA and DOJ to discuss the merits of the claims against my clients.

This letter is to inform you that, after lengthy discussions with my clients, they still feel strongly that they do not wish to sign the Fourth Tolling Agreement. As I discussed with Ms. Houston, their position arises not out of a desire to provoke either U.S. EPA or DOJ, but rather to bring a focus to the matter which, as you know, has been pending for a number of years. It is also based on my clients' firm belief that they have not contributed any hazardous substances to the site. This is supported by the fact that neither documents produced by your office nor any evidence developed during the lengthy and exhaustive ADR process indicate either generation or transportation of hazardous substances to the site by my clients.

I certainly appreciate your position and hope that in the future we may yet reach a mutually agreeable settlement of this matter. If you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "David J. Schmitt".

David J. Schmitt

DJS:tls

c: Jeffrey J. Harmon, Esq.

David J. Schmitt direct dial (513) 852-2587